

REMARKS

Claims 5, 9 and 13 remain under consideration in the present application as claims 6, 10 and 14 have been cancelled by this amendment.

As requested by the Examiner, claims 5, 9 and 13 have been amended to include limitations that the laminating layer, chemical deactivating composition and antimicrobial are free of activated carbon. As a result, these claims should now read on the elected subject matter of Group III.

Claims 5-6, 9-10 and 13-14 have been rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 5 and 9 to make it clear that the plasticizer will be in the range of 0-20 wt% in the chemical deactivating composition. The Examiner in the rejection indicated that the minimum wt% total of the other components is 85 wt% but in fact, the minimum is 80 wt%.

Claims 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Foss, et al., (U.S. Patent No. 6,723,428). The Examiner contends that Foss et al disclose laminate material with “small particles of antimicrobial agent” deposited on the laminate. The antimicrobial agent is at the surface so that it comes in contact with microbes and fungi. Foss et al’s antimicrobial agents are 1-3 micron in size and include zeolite of silver and copper. The Examiner further contends that the difference between the invention of claims 9-10 and Foss et al is that Foss et al do not explicitly disclose applicant’s chemical deactivating composition but since applicant does not disclose how much compensation is deposited on the laminating layer, there is no difference.

The Foss et al patent teaches the use of a zeolite of 1-3 micron. Such zeolite is a ceramic with pores that contain silver and copper. The silver or copper species is encapsulated in ceramic particles called zeolites and then put in the plastic by Foss et al in a dry process of extrusion of plastic. They do not qualify as nanoparticles. In Example 18 in the present application, nanosize is defined as 1 to 100 nanometers and also in Example 5, nanosize particles are defined as being 50-70 nanometers. These materials are used directly as dispersion into the thermosetting polymer and then coated. This is a wet process and the nanoparticles are also

encapsulated in the carrier polymer that is further cross-linked. The Foss patent discloses a laminate made of dried co-excursion containing only the dispersed antimicrobial zeolites of particle size 1 to 3 microns, and Applicants have amended claim 9 to make this distinction regarding particle size clear by limiting the claims to nanosize particles of 1-100 nanometers.


As claims 5 and 13 have not been rejected on the basis of any prior art, and the amendments to such claims made in this Amendment would appear to satisfy the rejections raised by the Examiner, and therefore Applicant submits that claims 5 and 13 are in condition for allowance.

This application has been assigned a new attorney docket number which is 103.215.120, and Applicant requests that this be noted in the files for this application.

If any additional issues remain in this application, the Examiner is requested to contact the undersigned to discuss such issues.

In view of the foregoing amendments and remarks, Applicants submit that their claims, as amended, present subject matter.

Respectfully submitted,


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